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October 24, 2008

By Electronic Filing

Ms. Marlene H. Dortch
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: ET Docket Nos. 06-135 & 05-213 and RM-11271
Ex Parte Presentation

Dear Ms. Dortch:

Biotronik hereby responds to the recent Medtronic filing in these proceedings regarding spurious emissions limits for the MEDS band.[1] Biotronik previously has commented on this issue and believes that, contrary to Medtronic's suggestion, the Commission should apply the same emissions limits throughout the entire MedRadio band.

[1] Letter from David E. Hilliard to Julius Knapp re Ex Parte Filing – Investigation of the Spectrum Requirements for Advanced Medical Technologies – ET Docket No. 06-135 and Amendment of Parts 2 and 95 of the Commission's Rules to Establish the Medical Data Service at 401-402 and 405-406 MHz – RM 11271 (filed Sept. 3, 2008) ("*Medtronic Emissions Ex Parte*").

As detailed in other filings in this proceeding, Biotronik and other parties support allowing Low Power-Low Duty Cycle ("LP-LDC") devices to operate in the center of the MICS Band (403.65 MHz) as a method of accessing spectrum without use of listen-before-transmit ("LBT") technology.[2] Biotronik has demonstrated that such LP-LDC operations are beneficial for numerous reasons, including less band clutter due to fewer overall emissions; increased throughput due to simplified protocol; and less battery consumption, which leads to longer implant life.[3] Moreover, this approach, modeled after rules adopted by ETSI, will promote international harmonization.

While Biotronik does not specifically object to tighter spurious emissions in the MEDS side bands, such a rule would make it even more important that the Commission adopt the LP-LDC consensus position. Stricter spurious emissions would cause an unnecessary increase in the complexity of the implant and, therefore, would necessitate increased cost and power consumption. Moreover, more stringent limits are unnecessary given the low probability of interference from intentional co-channel emissions, let alone from spurious emissions several orders of magnitude lower. Should any company be required to use LP-LDC solely in the MEDs band, the increased burden of meeting tighter spurious emissions would override the benefits of LP-LDC devices detailed in the record. And, the stricter limits would greatly limit the deployment of devices.

If Medtronic's recent proposal to lower spurious emissions in the MEDS band is incorporated into the MED's rules, it becomes even more imperative for LP-LDC to remain in the MICS band as proposed by Biotronik and adopted in the EU and elsewhere.

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[2] *See Letter from Henry Goldberg, Attorney for Biotronik, Inc., to Marlene Dortch, Secretary, Federal Communications Commission*, Attachment A (May 23, 2007) ("Biotronik Presentation") (discussing proposed LP-LDC access method); *Comments of St. Jude* at 1 (filed Oct. 27, 2006); *Comments of Zarlink* at 2 (filed Oct. 31, 2006); *Comments of AMI Semiconductor* at #6 (filed Oct. 30, 2006); *Letter from David E. Hilliard to Julius Knapp, Chief, Office of Engineering and Technology, Federal Communications Commission*, (Jan. 10, 2008).

[3] Biotronik Presentation at slide 5.

Please direct any questions to the undersigned.

Sincerely,

Henry Goldberg
Attorney for Biotronik, Inc.

cc: Julius Knapp
Bruce Romano
Alan Stillwell
Geraldine Matise
Jamison Prime
Gary Thayer
Mark Settle